

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 247 OF 2005

In
Second Appeal No.24/1991

Gulamnabi Ibrahim Mulla ..Applicant

V/s

1. Babu Naga Tali
2. Bhimsha Nagappa Murge..Opponents

Ms A.R.S.Baxi for Applicant

Mr M.R.Katkar for Respondent nos 1 and 2

CORAM:A.S.OKA, J.

DATED:18th Feb. 2005

P.C.: -

1. This application is for restoration of Second Appeal which is dismissed for want of prosecution. I found from the record that the appeal is dismissed for want of prosecution by an order dated 4-3-2002 and not by order dated 14-10-1997 as mentioned in the application. The record shows that Second Appeal was dismissed for want of prosecution as office objections were not removed within stipulated period.

2. Heard the learned Advocates for the parties.

.3 Considering the averments made in the application, it deserves to be allowed. Accordingly Second Appeal No.24 of 1991 is restored subject to the conditions that the Advocate for the Appellant will file paper book and decree forms and will remove all office objections in the second appeal within a period of six weeks from today. If compliance is not made within stipulated time the order dated 4-3-2002 will continue to operate.

(A.S.OKA, J.)